IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

NO. 4:12-CV-274-FL

ANTHONY LEE MCNAIR,)	
Plaintiff,)	
,)	ORDER
V.)	ORDER
S.C. HICKS, et al.,)	
Defendants.	,)	

This matter is before the court on plaintiff's motion for leave to proceed *in forma pauperis* (DE # 1), filed November 26, 2012, and the memorandum and recommendation ("M&R") of Magistrate Judge William A. Webb (DE # 5), filed on December 26, 2012, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), recommending that plaintiff's proposed complaint be dismissed because the proposed complaint is frivolous. Plaintiff filed objections to the M&R on January 2, 2013 (DE # 6).

Upon *de novo* review of the M&R, the complaint, and plaintiff's objections, the court ADOPTS the M&R as its own and OVERRULES the objections to the M&R, finding that the M&R sufficiently explains the basis for dismissal of this action. For the reasons stated in the M&R, the motion for leave to proceed *in forma pauperis* (DE #1) is GRANTED but plaintiff's complaint is DISMISSED. The clerk is directed to close this case.

SO ORDERED, this the day of February, 2013.

OUISE W. FLANAGAN

United States District Judge